Commonwealth of Massachusetts
Executive Office of Energy & Environmental Affairs

Department of Environmental Protection

Southeast Regional Office • 20 Riverside Drive, Lakeville MA 02347 • 508-946-2700

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Secretary

Martin Suuberg
Commissioner

August 14, 2017

Mr. Charles E. Coyne
Production Division Manager
Braintree Electric Light Department
100 Potter Road
Braintree, Massachusetts 02184

RE: BRAINTREE
Transmittal No.: X261289
Application No.: SE-14-020
Class: *OP*
FMF No.: 133487
MODIFIED NO_x RACT EMISSION CONTROL PLAN (ECP) APPROVAL

Dear Mr. Coyne:

The Massachusetts Department of Environmental Protection (MassDEP), Bureau of Air and Waste, Southeast Regional Office, has reviewed the above-referenced Emission Control Plan (ECP) application, dated September 2, 2014 and subsequent application submittal addenda, concerning a modification to the existing ECP Final Approval No. MBR-94-COM-044 with regard to implementation of 310 CMR 7.19 Reasonably Available Control Technology (RACT) for Sources of Oxides of Nitrogen (NO_x) at the Braintree Electric Light Department's ("BELD" or "Permittee") Potter II generating station.

The ECP application, with respect to Unit No. 3 [Emission Unit No. 1 in ECP Final Approval No. MBR-94-COM-044], requests approval to:

(1) Install a new Continuous Emissions Monitoring System (CEMS) for NO_x and Oxygen (O_2) to replace the existing, approved, Predictive Emissions Monitoring System (PEMS) currently being used to monitor NO_x emissions from the Asea Brown Boveri (ABB) Model 11D-2 combustion turbine (Emission Unit No. 3). The CEMS and associated Data Acquisition and Handling System (DAHS) will comply with the requirements of 310 CMR 7.19(13), 310 CMR 7.70, and 40 CFR Part 75.

The existing, approved, PEMS is a computer software system that utilizes combustion turbine sensor inputs to produce NO_x outputs. The PEMS approach to monitoring emissions is based on the establishment of relationships between NO_x emissions and turbine operating parameters, as determined from turbine sensors and billing fuel meters. The PEMS was approved by U.S. EPA on May 31, 2006 as an alternative monitoring system as allowed at 40 CFR Part 75, Subpart E in order to comply with the NO_x monitoring requirements of 40 CFR Part 75, Subpart H and 310 CMR 7.28.

On March 20, 2009, MassDEP issued Final Operating Permit (renewal) No. 4V06022 which required, in accordance with 310 CMR 7.19(13)(b)12., the use of the approved PEMS to determine the daily actual NO_x emissions as required by 310 CMR 7.19(7).

The proposed CEMS is being installed by Custom Instrumentation Services Corporation (CiSCO) and is a Thermo Scientific Model 42i LS Series NO_x Analyzer with O_2 Sensor module to measure NO_x and O_2 at the stack. The system will include a PC-based, multi-user, multi-tasking data acquisition and handling system (DAHS) for operator interface, data storage, report generation and data display. An Allen Bradley CompactLogix Programmable Logic Controller (PLC) will provide for system control, backup data storage, discrete signal interface with BELD, and a redundant AB Ethernet 100BaseFX TCP/IP communications link with the remote workstation in BELD's control room. The PLC will control the automatic system calibration (through the sample probe with calibration fail alarms), sample probe backflush, calibration error correction factors and audit testing. System alarms will be monitored by the PLC, annunciated on the DAHS monitor and recorded in the DAHS.

On November 25, 2016, the MassDEP received from the Permittee a CEMS initial certification report prepared by CiSCO dated November 15, 2016. Testing on the NO_x and O_2 analyzers was performed to meet the requirements of 40 CFR Part 60, Appendix B, Performance Specifications 2 and 3, and 40 CFR Part 75, Appendix A. The report stated that an updated electronic monitoring plan, and electronic results of the tests required under 40 CFR Part 75.20 were submitted to U.S. EPA on November 18, 2016.

In addition to the modifications requested by the applicant in the above-referenced ECP application, MassDEP is removing two small boilers that were included in MBR-94-COM-044 as they have been de-commissioned, and is including the terms and conditions of Approval No. MBR-94-COM-044 for the diesel generator engine identified as Unit No. 2 in order to incorporate all existing conditions and requirements of Final Approval No. MBR-94-COM-044 into this Modified NO_x RACT ECP Approval.

Except as noted above, the requirements of Approval No. MBR-94-COM-044 for Emission Unit 2 and Emission Unit 3 shall remain unchanged and will be re-stated in this approval with the exception of the restriction approved by the MassDEP in application No. 4P07014 to restrict the liquid fuel for Emission Unit 2 and Emission Unit 3 to ultra-low sulfur distillate (ULSD) with a sulfur content not to exceed 0.0015% by weight. Emission Unit No. 2 is also subject to requirements at 40 CFR Part 63, Subpart ZZZZ, and is currently being operated as an "Emergency stationary RICE", as defined in Subpart ZZZZ, for the purpose of complying with

Subpart ZZZZ. Subpart ZZZZ currently restricts non-emergency operation of emergency stationary RICE to 100 hours per calendar year.

This modification approval letter will supersede Final Approval No. MBR-94-COM-044, as issued on November 4, 1997.

LEGAL AUTHORITY

The ECP application was submitted in accordance with Section 7.19, Reasonably Available Control Technology (RACT) for Sources of Oxides of Nitrogen (NO_x) and Appendix B(3), Emission Reduction Credit Banking and Trading, and Appendix B(4) Emission Averaging, as contained in 310 CMR 7.00, Air Pollution Control Regulations adopted by MassDEP pursuant to the authority granted by Massachusetts General Laws, Chapter 111, Sections 142 A-E, Sections 4 and 6.

The NO_x RACT Regulation requires any person who owns, leases, operates, or controls any stationary combustion turbine under Regulation 310 CMR 7.19(7) to submit an ECP, and to have the ECP approved by the MassDEP under 310 CMR 7.19(3).

I. DESCRIPTION OF AFFECTED UNITS

The applicable emission units are summarized in Table 1:

Table 1. Equipment Description

Emission Unit (EU#)	Description of Emission Unit	Maximum Heat Input Rating	FUELS	NO_x Emission RACT Standard and/or Regulation
EU 2	Compression ignition (CI), reciprocating internal combustion engine (RICE) Fairbanks Morse Model 38TD-8 1/8	24 MMBtu per hour	ULSD	310 CMR 7.19(8)
EU 3	Combustion Turbine, Asea Brown Boveri (ABB) Model No. 11D-2	975.0 MMBtu per hour	Primary: NG Secondary: ULSD	310 CMR 7.19(7)

Table 1 Key:
CMR = Code of Massachusetts Regulations
EU# = Emission Unit Number
MMBtu = million British thermal units
NG = natural gas
ppmvd = parts per million by volume dry basis @ 15% O_2
lbs/MMBtu = pounds per million British thermal units
ULSD = Ultra Low Sulfur Distillate

II. EMISSION LIMTATIONS

NO_x Emission Limitations:

Emission Units referenced in Table 1 shall comply with the NO_x emission limitations contained in all applicable Sections of 310 CMR 7.19.

Table 2. NO_x Emission Limitations

Emission Unit No. 2		
Fuel	**Regulation**	**Emission Limitation**
ULSD	310 CMR 7.19(8)(c)3. or (d)1.	9.0 grams per bhp-hr or as noted below (Note 1)

Table 2 Notes:

Note 1: If EU2 has not operated 1000 hours or more during any consecutive 12 month period since January 1, 1990, the NO_x emission standard shall be ≤ 9.0 grams/brake horsepower-hour; or, set and maintain the ignition timing of the engine 4 degrees retarded relative to standard timing, provided the ignition timing shall not be retarded beyond the point that the:

a. CO emission concentration increases by 100 ppmvd corrected to 15% O_2, or
b. the turbocharger speed is increased beyond the maximum operating speed recommended by the engine manufacturer, or
c. the exhaust port temperature increases beyond the engine manufacturer's recommended maximum operating temperature.

Should EU2 operate 1000 hours or more during any consecutive 12 month period since January 1, 1990, then said unit shall become subject to and shall continue to comply with 310 CMR 7.19(8)(c)3.

In accordance with 310 CMR 7.19(8)(c)3. and 310 CMR 7.19(8)(d)1., compliance with the NO_x emission standard shall be based on a one hour averaging time.

Table 2 Key:

bhp-hr = brake horsepower-hour
CO = carbon monoxide
CMR = Code of Massachusetts Regulations
EU = emission unit
NO_x = nitrogen oxides
O_2 = oxygen
ppmvd = parts per million by volume dry basis @ 15% O_2
ULSD = Ultra Low Sulfur Distillate (i.e. S ≤ 0.0015% by weight)

Table 3. NO_x Emission Limitations

Emission Unit No. 3		
Fuel	**Regulation**	**Emission Limitation (Note 1) (Note 2)**
Natural Gas (Primary Fuel)	310 CMR 7.19(7)(a)1.a.	≤ 42 ppmvd (0.1547 lbs/MMBtu)
ULSD (Secondary Fuel)	310 CMR 7.19(7)(a)1.b	≤ 65 ppmvd (0.2526 lbs/MMBtu)
Co-Firing Fuels	310 CMR 7.19(15)	≤ AlE_{NOx}

Table 3 Notes:

Note 1: In accordance with 310 CMR 7.19(7)(a)3., compliance with the NO_x standard will be based on a calendar day average.
Note 2: Emission Unit No. 3 (EU3) shall comply with an allowable NO_x emission limitation (AlE_{NOx}), in pounds per day, based on the equation given below:

$$AlE_{NOx} = [0.2526 \text{ lb/MMBtu} \times HI_{ULSD}] + [0.1547 \text{ lb/MMBtu} \times HI_{NG}]$$

where:

HI_{ULSD} = daily heat input in MMBtu of EU3 when burning ULSD
HI_{NG} = daily heat input in MMBtu of EU3 when burning Natural Gas

Table 3 Key:
CMR = Code of Massachusetts Regulations
EU = emission unit
MMBtu = million British thermal units
NO_x = nitrogen oxides
ppmvd = parts per million by volume dry basis @ 15% O_2
lbs/MMBtu = pounds per million British thermal units
ULSD = Ultra Low Sulfur Distillate (i.e. S ≤ 0.0015% by weight)

Carbon Monoxide (CO) Emission Limitations:

Emission Units referenced in Table 1 shall comply with the CO emission limitations contained in all applicable Sections of 310 CMR 7.19.

Table 4. CO Emission Limitations

Emission Unit No. 3		
Fuel	**Regulation**	**Emission Limitation**
Natural Gas or ULSD	310 CMR 7.19(7)(a)1.c.	≤ 50 ppmvd (Note 1)

Table 4 Notes:
Note 1: CO emission limits are based on a one (1) hour averaging time.

Table 4 Key:
CMR = Code of Massachusetts Regulations
CO = Carbon Monoxide
ppmvd = parts per million by volume dry basis @ 15% O_2
ULSD = Ultra Low Sulfur Distillate (i.e. S ≤ 0.0015% by weight)

III. RACT STRATEGY

The Fairbanks Morse reciprocating engine, Emission Unit No. 2, has not operated for more than 1,000 hours since 1990 and will continue to comply with the requirements of 310 CMR 7.19(8)(d).

The Asea, Brown, Boveri (ABB) Combustion Turbine, Emission Unit No. 3, will continue to comply with the emission standards at 310 CMR 7.19(7)(a)1.a. and 310 CMR 7.19(7)(a)1.b. by the utilization of Emission Reduction Credits (ERCs) pursuant to 310 CMR 7.00 Appendix B(3), as permitted by 310 CMR 7.19(2)(g). BELD will achieve continuous compliance with 310 CMR 7.19(7) by the use of Emission Reduction Credits (ERCs) to offset all actual emissions of oxides of nitrogen (NO_x) in excess of the applicable 310 CMR 7.19(7) thresholds, pursuant to 310 CMR 7.00, Appendix B(3). Records of ERC allocation and usage shall be submitted to MassDEP on a quarterly basis with daily "bubble" emission calculations, as required in Section IV below. The "bubble" NO_x emission limitation is calculated on a daily basis to give an allowable, daily NO_x emission limitation (AlE_{NOx}) as noted in Table 3.

The actual NO_x emissions (AcE_{NOx}), in pounds per day, for EU3 shall be as measured by a certified Continuous Emission Monitoring System. During periods when the CEMS is not in service or out of control, the permittee shall use the data substitution procedures as allowed by 40 CFR Part 75 for NOx emissions. Pursuant to 40 CFR 75, Appendix A, the Maximum Potential Concentration (MPC), Maximum Emission Rate (MER), and Maximum Expected Concentration (MEC) must be calculated and considered in establishing NO_x measurement ranges. A default value of 190 ppm for natural gas and 310 ppm for ULSD is proposed for the

MPC, based on the current missing data values for Potter II (0.7 lb/MMBtu for natural gas, 1.2 lb/MMBtu for ULSD). The MEC was calculated using equation F-5 as referenced above using historic PEMS data (0.518 lb/MMBtu for natural gas, 0.638 lb/MMBtu for ULSD). The MER is EU3's NOX permit limit. Values determined in this manner are summarized as follows:

Table 5. NO_x Missing Data Values

	NO_X Values	
	Natural Gas	ULSD
MPC	0.7 lb/MMBtu(190 ppm)	1.2 lb/MMBtu (310 ppm)
MEC	160 ppm	190 ppm
MER	0.1547 lb/MMBtu	0.2526 lb/MMBtu

Table 5 Notes:
Note 1: In accordance with the requirements of 40 CFR 75, the NO_X analyzers will be evaluated annually for response to range values of the MPC and MEC.

Table 5 Key:
MEC = Maximum Expected Concentration
MER = Maximum Emission Rate
MPC = Maximum Potential Concentration
NO_x = Oxides of Nitrogen
Lb/MMBtu = pound(s) per million British thermal units
ppm = parts per million
ULSD = Ultra Low Sulfur Distillate (i.e. S $\leq$ 0.0015% by weight)

Final determination of the amount of ERCs necessary for EU3 to comply with Reasonably Available Control Technology for Sources of Oxides of Nitrogen (NO_x RACT) shall be calculated utilizing a compliance assurance multiplier of 1.05 and according to the following formula:

$ERC_{NOx} = (AcE_{NOx} - AlE_{NOx}) \times 1.05$

where:

ERC_{NOx} = federally enforceable NO_x Emission Reduction Credits (ERCs) in pounds (greater than or equal to zero) certified by the MassDEP under 310 CMR 7.00: Appendix B(3)
AcE_{NOx} = actual emissions from the combustion turbine in lb/day
AlE_{NOx} = [0.2526 lb/MMBtu x HI_{ULSD}] + [0.1547 lb/MMBtu x HI_{NG}]
HI_{ULSD} = daily heat input in MMBtu of EU3 when burning ULSD
HI_{NG} = daily heat input in MMBtu of EU3 when burning Natural Gas

The amount of ERCs calculated by the above formula shall be rounded to the nearest whole number. The NO_x emissions from EU3 shall be averaged over a 24-hour period or daily.

The Permittee shall comply with 310 CMR 7.00: Appendix B(3)(e) regarding the withdrawal, transfer, and use of ERCs. In accordance with 310 CMR 7.00: Appendix B(3)(e)2., the Permittee shall obtain an amount of credit equal to five (5) percent more than the amount needed for compliance calculation. Therefore, the amount of ERCs obtained shall be calculated according to the following formula and rounded to the nearest whole number:

ERC_{NOx} obtained = $(AcE_{NOx} - AlE_{NOx})(1.05)(1.05)$ or $ERC_{NOx} \times 1.05$

The Permittee shall calculate the total amounts of ozone season (May 1 through September 30) and non-ozone season (October 1 through April 30) ERCs that are necessary for compliance with NO_x RACT, and obtain and use (or retire) ERCs in accordance with the provisions of 310 CMR 7.00:

Appendix B(3)(e)8. In accordance with 310 CMR 7.00: Appendix B(3)(e)8., NO_x ERCs generated during the ozone control period of May 1 through September 30 can be used for compliance at any time during the year. However, NO_x ERCs generated during the non-ozone control period of October 1 through April 30 shall only be used for compliance in the same season as generated (October 1 through April 30).

IV. SUPPLEMENTAL SUBMITTAL REQUIREMENTS

BELD shall continue to submit to the Regional Office, on a quarterly basis, the daily "bubble" emission calculations of:

1) actual NO_x emitted in pounds per calendar day;
2) the AlE_{NOx} emission limitation in pounds per calendar day;
3) the difference between the actual NO_x emissions and the AlE_{NOx} over each calendar day;
4) a report of compliance status with respect to the difference between the actual NO_x emissions and the AlE_{NOx} over each calendar day and an up to date reconciliation of certified ERCs purchased and retired.

In addition, BELD shall incorporate certification of any purchased ERCs to meet compliance and the entity from which the purchase was made. This submittal shall be made no later than 30 days after the end of the quarter for which the report is being submitted. Any exceedance of the "bubble" emission limitation must be recorded and submitted to include the date of the exceedance and the quantity of excess emissions and reported to the MassDEP in the next quarterly report.

V. MONITORING, RECORDKEEPING AND REPORTING REQUIREMENTS

1. Emission Unit No. EU 2 and EU 3 shall comply with the NO_x and CO emission monitoring, recordkeeping, and reporting requirements contained in all applicable sections of 310 CMR 7.19, including 310 CMR 7.19(8)(d), 310 CMR 7.19(13)(b), 310 CMR 7.19(13)(c) and 310 CMR 7.19(13)(d).

2. The Permittee shall for Emission Unit 2, in accordance with 310 CMR 7.19(8)(d)1., inspect and adjust the ignition timing of the engine at least once every 3 years to verify the ignition timing of the engine is maintained four (4) degrees retarded relative to standard timing, provided that the ignition timing shall not be retarded beyond the point that:

   (a) the CO emission concentration increases by 100 ppm by volume, dry basis, corrected to 15% O_2, or

   (b) the turbocharger speed is increased beyond the maximum operating speed recommended by the engine manufacturer, or

   (c) the exhaust port temperature increases beyond the engine manufacturer's recommended maximum operating temperature.

3. The Permittee shall for Emission Unit 2, in accordance with 310 CMR 7.19(8)(d)2., install and maintain an elapsed time meter to indicate, in cumulative hours, the elapsed engine operating time for the previous 12 month period. In accordance with 310 CMR 7.19(8)(d)3., determine the hours of operation for the engine for the previous 12 month period on a monthly basis.

4. The Permittee shall, for Emission Unit 2, in accordance with 310 CMR 7.19(8)(d)4., notify the Department if the operation exceeds 1000 hours for any consecutive 12 month period, and the facility is subject to the emission standard in 310 CMR 7.19(8)(c).

5. The Permittee shall, for Emission Unit 2, in accordance with 310 CMR 7.19(8)(d)5., maintain records to certify that the ignition timing of the engine has been inspected and adjusted, if necessary, at least once every three years.

6. The Permittee shall install a Continuous Emission Monitoring System (CEMS) for the measurement of NO_x emissions from Emission Unit No. 3. The CEMS shall meet the definition of Continuous Emission Monitoring System (CEMS) as contained in 310 CMR 7.28(2) Definitions and 40 CFR Part 72.2 Definitions.

7. The Permittee is required to monitor NO_x emissions pursuant to 40 CFR Part 75 and shall use the procedures therein to gather and analyze data and provide quality assurance and quality control in order to determine compliance with 310 CMR 7.19. Data substitution, when necessary, will be determined in accordance with the procedures contained in 40 CFR Part 75.

8. The Permittee shall operate each continuous emission monitoring system at all times that the emission unit is operating except for periods of CEMS calibrations checks, zero span adjustment, and preventative maintenance. During any periods of CEMS downtime the Permittee shall use data substitution procedures contained in 40 CFR Part 75.

9. The Permittee shall for Emission Unit 3, measure and record for each unit on a daily basis: type fuel(s) burned each day, heat content of each fuel, the total heating value of the fuel consumed for each day, the actual "bubble" NO_x emissions (AcE_{NOx}) in pounds per day and shall determine the allowable "bubble" NO_x emission limitation (AlE_{NOx}) in pounds per day.

10. The Permittee shall obtain certification from the fuel supplier for each shipment of ULSD that includes the following information: 1) the name of the oil supplier; 2) the nitrogen content of each oil shipment; 3) the location where the sample was drawn for analysis to determine the nitrogen content of the oil.

11. The Permittee shall, in accordance with 310 CMR 7.19(13)(d)1., maintain a record of all measurements, performance evaluations, calibration check, and maintenance or adjustments for each continuous emission monitor.

12. The Permittee shall, in accordance with 310 CMR 7.19(13)(d)2., submit to MassDEP regional office by the 30th day of April, July, October, and January of each calendar year, a report showing:

    (a) the date and time that any CEMS stopped collecting valid data and when it started to collect valid data again, except for zero and span checks;

    (b) the nature and date of system repairs;

    (c) the information required in Section IV above.

13. The Permittee shall, in accordance with 310 CMR 7.19(13)(d)8., maintain all records required by 310 CMR 7.19(13)(d) for a period of five years in a permanently bound log book or any other form acceptable to the MassDEP including computer retained and generated data.

VI. TESTING REQUIREMENTS

1. The Permittee shall continue to demonstrate compliance with the applicable CO emission standard by performing an annual stack test on Emission Unit 3 as specified in 310 CMR 7.19(13)(c).

2. The Permittee shall, upon installation of the proposed CEMS, conduct certification procedures as required at 40 CFR Part 75. Ongoing quality control and quality assurance procedures will comply with 40 CFR Part 75.

3. Stack testing shall be conducted in accordance with the appropriate EPA test methods, as contained in 40 CFR Part 60 – Appendix A. All testing must also be conducted in accordance with the requirements at 310 CMR 7.13 and 310 CMR 7.19(13)(c).

VII. SPECIAL CONDITIONS

1. This Approval letter supersedes the approval letter issued on November 4, 1997 for NO_x RACT ECP No. MBR-94-COM-044.

2. The Permittee submitted an Operating Permit Renewal application under transmittal number X257323, application number SE-13-034, on September 20, 2013 which is currently under review by the MassDEP. In accordance with 310 CMR 7.00, Appendix C(5)(e), the Permittee shall submit, within 45 days from the date of this Approval, a revised OP Renewal application (Form BWP AQ 12), and supporting information, that reflects this NO_x RACT ECP and any other requirements that apply to the facility.

3. Any subsequent changes to the facility that are contrary to the facility as described in this letter or in NO_x RACT ECP application No. SE-14-020 must be approved in writing by MassDEP prior to the change.

4. The Permittee shall maintain a copy of the Standard Operating and Maintenance Procedures (SOMP) for all NO_x RACT subject combustion units and associated equipment on-site at all times.

VIII. GENERAL CONDITIONS

1. The Permittee shall maintain continuous compliance with the terms of this ECP Approval at all times.

2. All applicable emission units shall be operated in strict accordance with the plans and specifications submitted as part of the ECP approved herein.

3. Should there be any differences between the application materials and this approval letter, this approval letter shall govern.

4. All notification and reporting requirements contained herein shall be directed to the Department of Environmental Protection, Bureau of Air and Waste, Southeast Regional Office, Attention: Chief, Permit Section.

5. Failure to comply with any of the above-stated provisions will constitute a violation of the regulations, and can result in the revocation of the NO_x RACT ECP Approval to operate the described facility.

This Approval is an action of MassDEP. You have a limited right of appeal. Please refer to the attached information, Appeal of Approval.

MassDEP has determined that the filing of an Environmental Notification Form (ENF) with the Secretary of Energy and Environmental Affairs for air quality control purposes was not required prior to this action by MassDEP. Notwithstanding this determination, the Massachusetts Environmental Policy Act (MEPA) and Regulation 310 CMR 11.00, Section 11.04, provide certain "Fail-Safe Provisions" which allow the Secretary to require the filing of an ENF and/or Environmental Impact Report (EIR) at a later time.

Enclosed is a stamped, approved copy of the NO_x RACT ECP application. Should you have any questions relative to this Approval, please contact Peter Russell at the Southeast Regional Office at (508) 946-2821.

Sincerely,

Thomas Cushing, Chief
Permit Section
Bureau of Air and Waste

C/PR

Attachment: Appeal of Approval

ecc: Braintree Board of Health
Braintree Fire Department
John Erik Nelson, Braintree Electric Light Department
Lysa Modica, AMEC
Yi Tian, MassDEP/BAW, Boston, MA
Maria Pinaud, MassDEP/BAW, Lakeville, MA
Peter Russell, MassDEP/BAW, Lakeville, MA

APPEAL OF APPROVAL

This approval is an action of MassDEP. If you are aggrieved by this action, you may request an adjudicatory hearing. A request for a hearing must be made in writing and postmarked within twenty-one (21) days of the date of issuance of this Approval.

Under 310 CMR 1.01(6)(b), the request must state clearly and concisely the facts which are the grounds for the request, and the relief sought. Additionally, the request must state why the Approval is not consistent with applicable laws and regulation.

The hearing request along with a valid check payable to the Commonwealth of Massachusetts in the amount of one hundred dollars ($100) must be mailed to:

Commonwealth of Massachusetts
Department of Environmental Protection
P.O. Box 4062
Boston, MA 02211

The request will be dismissed if the filing fee is not paid, unless the appellant is exempt or granted a waiver as described below.

The filing fee is not required if the appellant is a city or town (or municipal agency), county, or district of the Commonwealth of Massachusetts, or a municipal housing authority.

MassDEP may waive the adjudicatory hearing filing fee for a person who shows that paying the fee will create an undue financial hardship. A person seeking a waiver must file, together with the hearing request as provided above, an affidavit setting forth the facts believed to supportb the claim of undue financial hardship.